



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Sixteenth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4189 of 2018

M.SIVAKUMAR

... PETITIONER / A - 3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
KOVILPATTI EAST POLICE STATION,
THOOTHUKUDI DISTRICT.
(CR.NO.347 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.PON SENTHIL KUMARAN Advocate

For Respondent : MR.A.ROBINSON Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

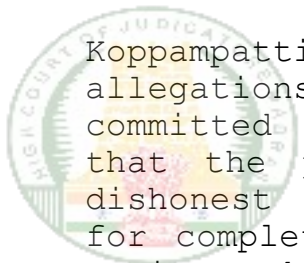
The petitioner/A3, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 419, 468 and 471 I.P.C., in Crime No.347 of 2016, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant, namely, the Sub Registrar, Kovilpatti has lodged a complaint stating that the petitioner along with first and second accused in this case have committed impersonation and created forged documents with respect to land in Survey Nos.461/28, 71/C, 71/2C, 73/3 in Athaikondan Village, belongs to one Thangavel Nagdar and sold the same to this petitioner, vide sale deed dated 18.06.2009. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has been falsely implicated in this case, further added that he has not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Advocate) appearing for the State submitted that investigation is in progress.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged, in the year 2009, the first and second accused in this case created the forged document and sold out the petition mentioned property to this petitioner, for which, the petitioner herein lodged a complainant before the



Koppampatti Police Station. In the said complaint, he made allegations that the first and second accused in this case alone had committed the forgery. So, lodging of the earlier complaint shows that the petitioner being the third accused is not having any dishonest intention. Moreover, the documents, which are necessary for completing the investigation are all available in the form of registered documents. Thereby, considering the facts and circumstances of the case, custodial interrogation of the petitioner may not be necessary for completing the investigation. Accordingly, he is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Kovilpatti, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioner shall report before the respondent police daily at 10.00 a.m until further orders.

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioner shall not abscond either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

sd/-

16/03/2018

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, KOVILPATTI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
KOVILPATTI EAST POLICE STATION, THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.PON SENTHIL KUMARAN Advocate SR.No.4260